

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Jacob Richter et al.  
**Serial No.:** 09/864,389  
**Filed:** May 25, 2001  
**Confirmation No.:** 1194  
**Group Art Unit:** 3773  
**Examiner:** Bui, Vy Q.  
**Title:** LONGITUDINALLY FLEXIBLE STENT

**STATEMENT IN RESPONSE TO INTERVIEW SUMMARY  
PURSUANT TO 37 C.F.R § 1.133(b) AND MPEP § 713.04**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit the following Statement pursuant to 37 CFR § 1.133(b) and MPEP § 713.04 in response to the Interview Summary dated June 14, 2010, recording the substance of the interview between the Examiner and the undersigned on June 3, 2010. While the Interview Summary correctly records that the Brown reference was discussed and it was agreed that claim 49 as currently claimed is patentable over the pending rejection under 35 USC §103(a) over Brown in view of U.S. Patent No. 6,179,868 (Burpee et al.), no distinction was made during the interview between the two Brown references cited by the Examiner, *i.e.* U.S. Patent Nos. 7,204,848 (Brown '848) and U.S. Patent No. 6,776,793 (Brown '793). It was understood that the Brown '848 and Brown '793 patents have identical disclosures.

As confirmed with the Examiner in a subsequent interview conducted by phone on June 14, 2010 between the Examiner and John Halski, an associate of the

undersigned, the conclusion reached according to the Interview Summary, *i.e.* that "[c]laim 49 is allowable over Brown '848 because the invention consists essentially only the limitations as recited in the claim", applies equally to the Brown '793 reference, which is a continuation of Brown '848 containing an identical disclosure to that of the Brown '793 reference. Accordingly, the Examiner agreed that claim 49 is equally patentable over Brown '793 and Brown '848, and a Notice of Allowance for the pending claims is forthcoming.

### AUTHORIZATION

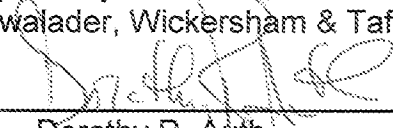
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Statement to Deposit Account No. 50-4387, Order No. 92077.003.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-4387, Order No. 92077.003.

Dated: June 14, 2010

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Respectfully submitted,  
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By:   
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